

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

PORAT, Alex  
Magna International Inc.  
337 Magna Drive  
Aurora, Ontario L4G 7K1  
CANADA

MAGNA INTERNATIONAL INC.  
PATENT DEPARTMENT  
RECEIVED  
NOV 23 2004

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

DOCKETED

702669PCT

Date of mailing  
(day/month/year)

02.11.2004

Applicant's or agent's file reference  
702669 PCT

### IMPORTANT NOTIFICATION

International application No.  
PCT/CA 03/01239

International filing date (day/month/year)  
20.08.2003

Priority date (day/month/year)  
20.08.2002

Applicant  
INTIER AUTOMOTIVE CLOSURES INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the International  
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Ter Haar, H

Tel. +31 70 340-3817



**BEST AVAILABLE COPY**

# PATENT COOPERATION TREATY PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 29 OCT 2004

WIPO PCT

Applicant's or agent's file reference 702669 PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/01239	International filing date (day/month/year) 20.08.2003	Priority date (day/month/year) 20.08.2002
International Patent Classification (IPC) or both national classification and IPC E05F11/50		
Applicant INTIER AUTOMOTIVE CLOSURES INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  18.03.2004	Date of completion of this report  02.11.2004
Name and mailing address of the International preliminary examining authority:   <div style="margin-left: 20px;">           European Patent Office - P.B. 5818 Patentlaan 2            NL-2280 HV Rijswijk - Pays Bas            Tel. +31 70 340 - 2040 Tx: 31 651 epo nl            Fax: +31 70 340 - 3016         </div>	Authorized Officer  Guillaume, G  Telephone No. +31 70 340-2696  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/CA 03/01239

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-4 as originally filed

**Claims, Numbers**

1-9 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/CA 03/01239**

---

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01239

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. D1: WO 01/14673 A (PUENTE GARCIA RUBEN; RAUSCHER JOCHEN (ES);  
ANTOLIN GRUPO ING SA (E)) 1 March 2001 (2001-03-01)

- 2.1 The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear for the following reasons:

The expression "drum having an inner gear" (line 6) should have been defined as "drum has a central bore defining an inner circumferential face on which a series of internal teeth is provided of an inner gear directly meshing with the pinion" cf. description page 4, lines 1-4), to clearly indicate that the inner gear is effectively provided inside the drum contrary to the inner gear being provided on a coaxial extension (5) of the drum as disclosed in the prior art D1.

This concentric arrangement of the inner gear directly meshing with the pinion and being provided inside the drum is essential for solving the problem "minimising the depth of the regulator assembly".

- 2.2 Although claims 1 and 9 have been drafted as separate independent device claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought ..and/or.. in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

Claim 9 should have been made dependent from claim 1, since claim 9 is regarded having all the features of claim 1.

3. D1, which is considered to represent the most relevant state of the art, discloses a window regulator comprising a shaft (1) having a pinion gear (3), a counter balance spring (6), a spring housing (7), a drum (9) with cable guides on its exterior periphery, inner gear (5) in driving and meshing engagement with the pinion (3), a casing (7)

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/CA 03/01239

housing the spring (6), the spring housing (7) being in abutting relationship with the drum having a central bore defining an inner circumferential face on which a series of internal teeth is provided, and means for maintaining rotational alignment of said drum relative to said shaft.

The subject-matter of Claim 1 clarified according to paragraph 2.1 differs from what is disclosed in D1 in that the inner teeth directly mesh with the pinion and that the casing houses the drum and the spring housing such that a more compact window regulator assembly is provided having less parts.

Since the subject matter of said claim 1 is neither known from, nor rendered obvious by, the available prior art, it satisfies the criteria set forth in Article 33(2) and 33(3) PCT.

- 2.3 The subject matter of claims 2-8 and claim 9 as clarified according to paragraph 2.2 is new and inventive since these claims are dependent from claim 1.

\*\*\*\*\*